

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #1	CCRB Case #: 201806887	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/20/2018 10:47 PM	Location of Incident: [REDACTED]	Precinct: 101	18 Mo. SOL 2/20/2020	EO SOL 2/20/2020	
Date/Time CV Reported Tue, 08/21/2018 2:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/21/2018 2:08 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Regan	16611	957992	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Villalba	22742	953530	101 PCT
2. POM James Drummy	08979	941204	101 PCT
3. POF Amanda Sperling	01345	949687	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Regan	Force: Police Officer Matthew Regan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Matthew Regan	Discourtesy: Police Officer Matthew Regan acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Matthew Regan	Discourtesy: Police Officer Matthew Regan spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Matthew Regan	Force: Police Officer Matthew Regan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On August 21, 2018, § 87(2)(b) filed this complaint on behalf of himself and his friend § 87(2)(b) via telephone with the CCRB.

On August 20, 2018, at approximately 10:45 pm, § 87(2)(b) walked along Cornaga Avenue, in Queens. He saw his friend § 87(2)(b) trip on cracked concrete and fall face down § 87(2)(b) in Queens. § 87(2)(b) called 911 for an ambulance. Within minutes, PO Amanda Sperling and PO Matthew Regan, from the 101<sup>st</sup> Precinct responded to the location and § 87(2)(b) identified himself as the 911 caller. PO Regan walked over to § 87(2)(b) who at that point was laying on his back in and out of consciousness. PO Regan allegedly kicked § 87(2)(b) in the shoulder and stated, “Hey buddy. Hey buddy” (**Allegation A: Force, § 87(2)(g)**). PO Regan walked around § 87(2)(b) and allegedly stepped on § 87(2)(b) jacket (**Allegation B: Discourtesy, § 87(2)(g)**). § 87(2)(b) told PO Regan not to put his feet on § 87(2)(b) and PO Regan allegedly responded, “Shut the fuck up. It’s only a jacket, asshole. Get the fuck over there” (**Allegation C: Discourtesy, § 87(2)(g)**). In response, § 87(2)(b) called PO Regan an asshole. PO Regan allegedly pushed § 87(2)(b)’s left arm and he sustained pain to his elbow (**Allegation D: Force, § 87(2)(g)**).

Approximately 10 minutes later, PO Jose Villalba and PO James Drummy, from the 101<sup>st</sup> Precinct, and an ambulance responded to the scene. § 87(2)(b) was taken to § 87(2)(b).

There is no video footage associated with this case.

### Findings and Recommendations

**Allegation (A) Force: Police Officer Matthew Regan used physical force against § 87(2)(b)**

**Allegation (B) Discourtesy: Police Officer Matthew Regan acted discourteously toward § 87(2)(b)**

**Allegation (C) Discourtesy: Police Officer Matthew Regan spoke discourteously to § 87(2)(b)**

**Allegation (D) Force: Police Officer Matthew Regan used physical force against § 87(2)(b)**

§ 87(2)(b) (Board Review 01, 02) testified that after § 87(2)(b) fell, he became unconscious. § 87(2)(b) called 911 (Board Review 13) for an ambulance and informed the 911 operator that he witnessed § 87(2)(b) fall. He informed the EMT dispatcher that something was wrong with his shoulder and back as he saw § 87(2)(b) holding his shoulder and his back. As § 87(2)(b) waited for the ambulance, PO Regan and PO Sperling responded to the scene. § 87(2)(b) spoke to PO Regan and informed him that he was the 911 caller and told them that § 87(2)(b) fell and hit his head. PO Regan then walked over to § 87(2)(b) who was laying on his back in and out of consciousness. PO Regan kicked § 87(2)(b) in the shoulder approximately five times in a forceful manner with the point of his shoe. § 87(2)(b) asked PO Regan “What the fuck are you doing? Why are you putting your fucking feet on him?” PO Regan did not respond. § 87(2)(b) then bent down and asked § 87(2)(b) if he was ok. At the same time, PO Regan walked to the

other side of § 87(2)(b) and stepped on § 87(2)(b) jacket that was on the ground next to him. In response, § 87(2)(b) stated, “Don’t put your feet on him. This is family, an ex-sanitation worker. You don’t do shit like that.” PO Regan responded, “Shut the fuck up. It’s only a jacket, asshole. Get the fuck over there.” § 87(2)(b) stated that he called PO Regan an “asshole” and PO Regan pushed his left arm. § 87(2)(b) further explained when PO Regan pushed him, he shifted his left arm behind him and felt a pop in his left elbow. A few minutes later, PO Sperling tended to § 87(2)(b) and informed him that she was retrieving his identification, and he responded yes. § 87(2)(b) did not seek any medical attention from the EMTs who responded.

§ 87(2)(b) (Board Review 03) was contacted via telephone and he stated that he did not remember what happened on that day and that he was not interested in participating in the investigation.

PO Regan (Board Review 07) testified that as he and PO Sperling were on their way back to the 101<sup>st</sup> Precinct, they observed § 87(2)(b) lying on his back on the ground and § 87(2)(b) standing over him. § 87(2)(b) informed him and PO Sperling that § 87(2)(b) fell and hit his head on the concrete. PO Regan explained that he used his feet to nudge § 87(2)(b) legs to see if he would respond. PO Regan explained that he did not kick § 87(2)(b) in the shoulder. PO Regan did not recall hearing any response from § 87(2)(b) as a result of the nudge. PO Regan observed § 87(2)(b) wearing a jacket as he checked § 87(2)(b) pulse and if he was bleeding. He did not step on § 87(2)(b) jacket. PO Regan explained that as PO Sperling looked for § 87(2)(b) identification, § 87(2)(b) became irate, yelled at her and moved within one foot of PO Sperling’s face attempting to get in between her and § 87(2)(b). At that point, PO Regan placed his hand to § 87(2)(b) s chest and guided him back and instructed him not to interfere or not to step into their comfort space. PO Regan did not recall if § 87(2)(b) stumbled backward. He did not push § 87(2)(b) or use any profanity towards § 87(2)(b). PO Regan did not hear § 87(2)(b) complain of any pain or injury.

PO Sperling’s (Board Review 06) testimony was consistent with PO Regan except for some added details. PO Sperling noted that she and PO Regan nudged § 87(2)(b) with their feet but PO Regan did not kick him in the shoulder. She asked § 87(2)(b) if he knew § 87(2)(b) and he told her, “No.” She explained that the more she helped § 87(2)(b) the more irate § 87(2)(b) became. PO Regan and § 87(2)(b) had a verbal dispute as PO Regan told § 87(2)(b) to let them do their jobs. At no point during the dispute did PO Regan use any profanity towards § 87(2)(b). PO Sperling explained there was no physical altercation between § 87(2)(b) and PO Regan, and she did not hear § 87(2)(b) complain of any injuries.

PO Villalba (Board Review 05) and PO Drummy’s (Board Review 04) testimonies were consistent in that they were not there to witness any interactions between § 87(2)(b) and PO Sperling and PO Regan. § 87(2)(b) did not complain of any pain or injuries, and did not make any complaints against PO Sperling and PO Regan.

It is undisputed that PO Regan’s feet made contact with § 87(2)(b) had a jacket with him on that day, that PO Regan had a verbal dispute and made contact with § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- PO Matthew Regan has been a member of service for four years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of March 11, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint ( Board Review 08). On May 10, 2019, an updated request has been submitted and will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review 11, 12).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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